

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DEMETRIUS HILL, SR,

Civil No. 09-3289 (JRT/FLN)

Plaintiff,

v.

ORDER

UNION PACIFIC RAILROAD,

Defendant.

Daniel Gustafson and Michelle Looby, **GUSTAFSON GLUEK PLLC**, 608 Second Avenue South, Suite 650, Minneapolis, MN 55402, for plaintiff.

Barbara Jean D'Aquila, **FULBRIGHT & JAWORSKI LLP**, 80 South Eighth Street, Suite 2100, Minneapolis, MN 55402, for defendant.

This matter is before the Court on the parties' stipulated motion for stay of proceedings pending settlement discussions [Docket No. 20].

Based upon the files, records and proceedings herein, **IT IS HEREBY ORDERED** that the motion is **GRANTED** and this matter shall be stayed immediately, subject to the terms and conditions set forth below:

1. Plaintiff's motion for default judgment is withdrawn and will not be asserted again;
2. The Parties will discuss settlement in good faith;

3. While settlement discussions are ongoing, obligations regarding the Rule 26(f) meeting/report, the Rule 26(a) disclosures, and the Rule 16 conference are suspended and indefinitely postponed;

4. If settlement negotiations are successful, the Parties will notify the Court as promptly as possible;

5. If settlement negotiations do not result in settlement, the Parties will notify the Court within 14 days after the parties agree that settlement negotiations have failed;

6. Plaintiff may serve an amended complaint within 20 days after the notification to the Court as set forth in the immediately preceding clause and may assert all claims he had as of the date he filed his original complaint;

7. Defendant may answer or otherwise respond to the Amended Complaint within 20 days after its service and will have all claims and defenses available as of the date Plaintiff filed his original complaint (and thereafter); and

8. Upon filing of the answer or other response, as appropriate, the Court shall set deadlines for the Rule 26(f) meeting/report, the Rule 26(a) disclosures, and the Rule 16 conference.

DATED: June 2, 2010
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge